



Docket No.: PF-0233-1 DIV

Response Under 37 C.F.R. 1.116 - Expedited Procedure

Examining Group 1643

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By: 

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Goli et al.

Title: NOVEL HUMAN CYTOKINE/STEROID RECEPTOR PROTEIN

Serial No.: 09/203,548

Filing Date:

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Washington, D.C. 20231

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RESPONSE TO NOTIFICATION OF NON-COMPLIANCE WITH 37 CFR 1.192(c)

Sir:

This is in response to the Notification of Non-Compliance with 37 CFR 1.192(c) mailed December 18, 2001, in the above-referenced application.

The Examiner has asserted that the Appeal Brief for the above-referenced application is defective because it allegedly does not contain a concise explanation of the claimed invention, referring to the specification by page and line number. Specifically, the Examiner asserts that the sequence comparison mentioned in the Summary of the Invention is not found in the specification.

Appellants note that the sequence comparisons between the claimed CYSTAR polypeptide both and rat 25-Dx protein and porcine steroid membrane binding protein are found in the specification at page 12, lines 25-26. The last line of the first paragraph of the Summary directs the Board's attention to the specification at page 12, lines 21-29, which lines contain the sequence comparisons as well as other structural information regarding the CYSTAR polypeptide. Nonetheless, Appellants submit herein three copies of a new Appeal Brief, in which the separate elements of the Summary of the Invention, including the sequence comparisons, are each provided

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with references to the specification by page and line number. No other changes have been made to the Appeal Brief. Appellants believe that this Appeal Brief is fully in compliance with 37 CFR 1.192(c).

Applicants believe that no fee is due with this communication. However, if the USPTO determines that a fee is due, the Commissioner is hereby authorized to charge Deposit Account No. 09-0108.

Respectfully submitted,
INCYTE GENOMICS, INC.

Date: January 18, 2002

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